

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE MONTANEZ,

Plaintiff

v.

ROBERT A. LYNCH, *et al.*,

Defendants

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Civil No. 3:20-cv-97

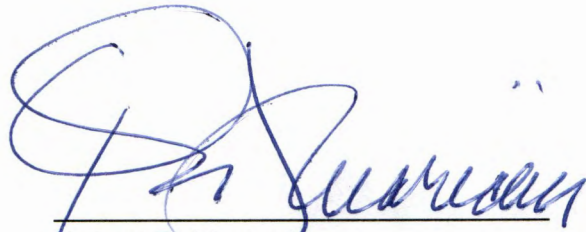
(Judge Mariani)

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of March, 2021, upon consideration of Defendants' motions (Docs. 40, 53) for summary judgment pursuant to Federal Rule of Civil Procedure 56, and the Corrections Defendants' motion (Doc. 36) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Rule 56 motions (Docs. 40, 53) are **GRANTED** based on Plaintiff's failure to exhaust the available administrative remedies. The Clerk of Court is directed to **ENTER** judgment in favor of Defendants Robert A. Lynch, Kevin Kauffman, Paula Price, Alexa Dedea, Gabrielle Nalley and Fawn Baldauf, and against Plaintiff.
2. The Corrections Defendants' motion (Doc. 36) to dismiss is **GRANTED**
3. The remaining pending motion (Doc. 55) is **DISMISSED** as moot.
4. The Clerk of Court is directed to **CLOSE** this case.

5. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani  
United States District Judge